

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CORNEL JACKSON,

Plaintiff,

v.

POUGE, *et al.*,

Defendants.

Case No. 1:24-cv-01027-BAM (PC)

ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*

(ECF No. 4)

ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY MADERA
COUNTY JAIL

Plaintiff Cornel Jackson (“Plaintiff”) is a county jail inmate proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983.

On September 18, 2024, Plaintiff filed a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 4.) In the motion, Plaintiff reported that he “received a civil rights settlement which was signed over to his children in the amount of \$4,000.00.” (*Id.* at 1.) Based on Plaintiff’s statement, the Court found that the evidence of Plaintiff’s assets was inconclusive, and directed Plaintiff to clarify his financial condition and adequately demonstrate financial hardship. (ECF No. 5.) Specifically, the Court directed Plaintiff to state the total settlement amount, whether he has access to any of the settlement funds, and if so, why he is not using those funds to pay the filing fee for this action. (*Id.*)

On October 10, 2024, Plaintiff filed a response indicating that the full settlement amount was \$4,000.00, and it was immediately signed over to his brother in full, to be provided to Plaintiff’s children. (ECF No. 6.) Plaintiff does not have access to any of the settlement funds because they have been spent. Plaintiff states that if he had known he would need them, he would

1 have saved some of the funds to immediately pay the filing fee for this action. (*Id.*)

2 Plaintiff has made the showing required by § 1915(a) and accordingly, the request to
3 proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of
4 \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments
5 in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's
6 trust account. The Madera County Jail is required to send to the Clerk of the Court payments
7 from Plaintiff's trust account each time the amount in the account exceeds \$10.00, until the
8 statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 4), is GRANTED;
- 11 2. **The Warden/Sheriff of the Madera County Jail or his or her designee shall collect**
12 **payments from Plaintiff's prison trust account in an amount equal to twenty percent**
13 **(20%) of the preceding month's income credited to the prisoner's trust account and**
14 **shall forward those payments to the Clerk of the Court each time the amount in the**
15 **account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of**
16 **\$350.00 has been collected and forwarded to the Clerk of the Court. The payments**
17 **shall be clearly identified by the name and number assigned to this action;**
- 18 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in*
19 *forma pauperis* application on the Warden/Sheriff of the Madera County Jail, via the
20 United States Postal Service; and
- 21 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
22 Department, U.S. District Court, Eastern District of California.

23 IT IS SO ORDERED.
24

25 Dated: October 11, 2024

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
28